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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WESCO INSURANCE COMPANY as subrogee
of its insured NICKELS AND DIMES
INCORPORATED,

Case No.: 2:16-cv-01206-JCM-EJY

Plaintiff,

VS.

SMART INDUSTRIES CORPORATION dba
SMART INDUSTRIES CORP., MFG., an Iowa
corporation.

**CONSOLIDATED FOR PURPOSES OF
DISCOVERY AND TRIAL.**

Defendants.

JENNIFER WYMAN, individually; BEAR WYMAN, a minor, by and through his natural parent JENNIFER WYMAN; JENNIFER WYMAN and VIVIAN SOOF, as Joint Special Administrators of the ESTATE OF CHARLES WYMAN; and SARA RODRIGUEZ natural parent and guardian ad litem of JACOB WYMAN,

Case No.: 2:16-cv-02378-JCM-EJY

STIPULATION AND ORDER

Plaintiffs,

VS.

SMART INDUSTRIES CORPORATION dba SMART INDUSTRIES CORP., MFG, an Iowa Corporation; HI-TECH SECURITY INC, a Nevada Corporation; WILLIAM ROSEBERRY; BOULEVARD VENTURES, LLC, a Nevada Corporation; DOES 1 through 10; BUSINESS ENTITIES I through V; and ROE CORPORATIONS 11 through 20, inclusive,

Defendants.

1 HI-TECH SECURITY INC; and WILLIAM
2 ROSEBERRY,

3 vs.
4 Third-Party Plaintiffs,

5 NICKELS AND DIMES INCORPORATED,

6 Third-Party Defendants.

7
8 IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their
9 undersigned counsel of record, the following:

- 10 1. Plaintiffs' designated expert, Steven M. Burke, is withdrawn as an expert and no party will
11 introduce any opinions or testimony from Steven M. Burke at trial;

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2. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Charles Wyman's tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial;
3. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman's recreational marijuana use at trial; and
4. The parties further stipulate and agree that no party may introduce any testimony, reference, or evidence regarding "The Chuck Wyman Memorial Fund" (a Go Fund Me fund) at trial.

Respectfully submitted,

Dated this 27th day of January, 2023,

BARRON & PRUITT, LLP

/s/ Joseph Meservy

WILLIAM H. PRUITT, ESQ.
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JOSEPH R. MESERVY, ESQ.
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3890 West Ann Road
North Las Vegas, Nevada 89031
Attorneys for Defendant
Smart Industries Corporation

Dated this 27th day of January, 2023,

CLIFFW. MARCEK, PC

/s/ Cliff Marcek

CLIFF W. MARCEK, ESQ.
Nevada Bar No. 5061
411 E. Bonneville Ave., Suite 390
Las Vegas, Nevada 89101
Attorneys for Plaintiffs
Sara Rodriguez and Jacob Wyman

Dated this 27th day of January, 2023,

EGLET ADAMS

/s/ Brittney Glover

TRACY A. EGLET, ESQ.
Nevada Bar No. 6419
BRITTNEY GLOVER, ESQ.
Nevada Bar No. 15412
400 South 7th Street, 4th Floor
Las Vegas, Nevada 89101
Attorneys for the Wyman Plaintiffs

Dated this 27th day of January, 2023,

DUBOWSKY LAW OFFICE, CHTD.

/s/ Peter Dubowsky

PETER DUBOSWKY, ESQ.
Nevada Bar No. 4972
300 South Fourth Street, Suite 1020
Las Vegas, Nevada 89101
Attorneys for Plaintiff
Wesco Insurance Company

ORDER

Based upon the Stipulation of the parties hereto, and with good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that designated expert, Steven M. Burke, has been withdrawn as a witness and shall therefore be excluded from testifying at trial in these consolidated cases, and no party may introduce opinions or testimony from Steven M. Burke at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Charles Wyman's tattoos, including the number of tattoos he had on his body and/or the description and/or type of tattoos he had on his body at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding Jennifer Wyman's recreational marijuana use at trial.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that no party may introduce any testimony, reference, or evidence regarding “The Chuck Wyman Memorial Fund” (a Go Fund Me fund) at trial.

DATED this 30th day of January , 2023.

UNITED STATES DISTRICT JUDGE